Northern District of California

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UNITED	STATES	DISTRICT	COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

RICK L. COLYER, et al.,

Plaintiffs,

v.

ACELRX PHARMACEUTICALS, INC., et

Defendants.

Case No. 14-CV-04416-LHK

ORDER DISMISSING CASE WITH **PREJUDICE**

On November 25, 2015, the Court issued an order granting Defendants' motion to dismiss Plaintiffs' First Amended Complaint with leave to amend. ECF No. 62. This Order stated that, "[s]hould Plaintiffs elect to file an amended complaint . . . , Plaintiffs shall do so within 30 days of the date of this Order. Failure to meet the 30 day deadline to file an amended complaint . . . will result in a dismissal with prejudice." Id. at 27–28. On December 8, 2015, the parties filed a stipulation requesting an extension of this 30 day deadline. ECF No. 63. Specifically, the parties agreed that Plaintiffs would file a "Second Amended Complaint on or before January 7, 2016," and that Defendants would file a response "to the Second Amended Complaint on or before February 4, 2016." *Id.* at 3. The Court granted the parties' stipulation on December 8, 2015. ECF No. 64.

Case No. 14-CV-04416-LHK ORDER DISMISSING CASE WITH PREJUDICE

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Northern District of California United States District Court

Plaintiffs have not yet filed a Second Amended Complaint, and the deadline to file a
Second Amended Complaint has now passed. Accordingly, this case is hereby DISMISSED
WITH PREJUDICE. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: January 18, 2016

Lucy H. Koh

LUCY H. KOH United States District Judge